IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1778 OF 2006.

The Regional Director, Employees
State Insurance Corporation, Mumbai. ... Appellant.
Versus.
M/s.Himmat M.Patel. ... Respondent.

Shri H.V.Mehta for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 8th August, 2006.

P.C.:

1. Heard Shri Mehta appearing for the Appellant. The challenge is to the judgment and order dated 21st April 2005 passed by the learned Judge of the of the Employees Insurance Court, Mumbai in an Application under section 75 of the Employees State Insurance Act, 1948 filed by the Respondent. The grievance made by the Advocate for the Appellant is that the learned trial Judge has directed interest to be paid by the Respondent only at the rate of 6% per annum. He submitted that the learned Judge has erroneously ignored the amendment made to section 39 of the said Act of 1948. He submitted that the interest should have been ordered to be paid at the rates which are mentioned in the amended section.

2. The issue canvassed by the learned Advocate for the Appellant is covered by the Judgment and Order dated 5th May 2006 in the First Appeal No.2284 of 2005 in the

case of Regional Director v/s. Hotel Suresh. In view of the said decision, the contention raised by the learned Counsel for the Appellant will have to be rejected. Hence the Appeal is dismissed as no substantial question of law arises.

Judge.